

Wataville

61-80-3

BK 7614 PG 179

Prepared by: [REDACTED]

**NO TRANSFER  
TAX PAID**

Allison M. Ryan, Esq.  
Alston & Bird LLP  
1201 West Peachtree Street  
Atlanta, Georgia 30309  
404/881-7000

032325

THIS DEED IS MADE BY A PARENT CORPORATION TO ITS SUBSIDIARY CORPORATION FOR NO CONSIDERATION; ACCORDINGLY, THIS TRANSFER IS EXEMPT FROM REAL ESTATE TRANSFER TAX PURSUANT TO 36 M.R.S. § 4641-C(10).

**WARRANTY DEED  
CORPORATE GRANTOR**

**KNOW ALL PERSONS BY THESE PRESENTS** That **HOME DEPOT U.S.A., INC.**, a Delaware corporation ("Grantor"), whose mailing address is 2455 Paces Ferry Road, Atlanta, Georgia 30339, for One Dollar (\$1.00) and other valuable consideration paid by **HD DEVELOPMENT OF MARYLAND, INC.**, a Maryland corporation ("Grantee"), whose mailing address is c/o Home Depot U.S.A., Inc., 2455 Paces Ferry Road, Atlanta, Georgia 30339, the receipt whereof is hereby acknowledged, does hereby **GIVE, GRANT, BARGAIN, SELL AND CONVEY** unto the said Grantee, its successors and assigns, forever, that certain lot or parcel of land bounded and described as follows on the attached Exhibit A.

**TO HAVE AND TO HOLD** the aforegranted and bargained premises with all the privileges and appurtenances thereof to the said Grantee, to it, and its use and behoof forever. No personality is conveyed or is intended to be conveyed hereby.

AND, the said Grantor does hereby covenant with the said Grantee, as aforesaid, that it is lawfully seized in fee of the premises, that they are free of all encumbrances, except as aforesaid, that it has good right to sell and convey the same to the said Grantee to hold as aforesaid, and that it and its successors shall and will **WARRANT AND DEFEND** the same to the said Grantee, and its successors and assigns, forever, against the lawful claims and demands of all persons.

After Recording please return to:  
LandAmerica NCS  
3350 Riverwood Pkwy  
Suite 1895  
Atlanta, GA 30339

(4)


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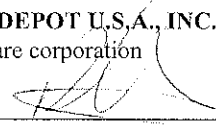
**IN WITNESS WHEREOF**, the said Grantor has caused this instrument to be signed in its corporate name by Randall H. Stephens and Deborah L. Straw, its Senior Corporate Counsel and Assistant Secretary, respectively, this 14th day of August, 2003.

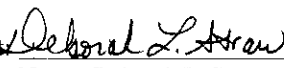
SIGNED, SEALED AND DELIVERED

In the Presence of:

  
Name: Allison M. Ryan

**HOME DEPOT U.S.A., INC.**,  
a Delaware corporation

BY:   
Name: Randall H. Stephens  
Title: Senior Corporate Counsel -  
Real Estate

Attest:   
Name: Deborah L. Straw  
Title: Assistant Secretary

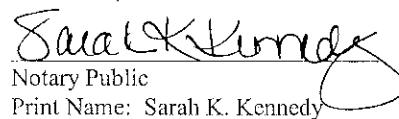
STATE OF GEORGIA  
COUNTY OF FULTON, ss

August 14, 2003



Then personally appeared the above-named Randall H. Stephens and Deborah L. Straw, Senior Corporate Counsel – Real Estate and Assistant Secretary, respectively, of Home Depot U.S.A., Inc., and acknowledged the foregoing instrument to be their free act and deed in their aforesaid capacities, and the free act and deed of said Corporation.

Before me,

  
Notary Public  
Print Name: Sarah K. Kennedy



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### Exhibit A – Property Description

A certain lot or parcel of land situated in the City of Waterville, County of Kennebec and State of Maine, more particularly described as follows:

Commencing on a point depicted on a plan entitled STANDARD BOUNDARY SURVEY- SHOWING TAX MAP LOTS 61-40, 61-50, 61-60, 61-70, 61-80, 62-3 AND A PORTION OF 61-90 – IN WATERVILLE, MAINE – KENNEBEC COUNTY, prepared for Cedarwood Development, Inc., prepared by James W. Sewall Company, dated July 21, 1999, as the southeasterly corner of a parcel of land now or formerly of Foresite, Inc. Said parcel being depicted on the City of Waterville Tax Assessor Map 61 as Lot 80. Said point is marked by a rebar with a cap marked "1132", 0.9 feet above ground, thence:

N 51° 32' 23" W a distance of one thousand one hundred fifty and 56/100 (1150.56) feet, to a point at the southeasterly corner of the herein described parcel. Said point being the Point of Beginning;

Thence N 85° 10' 19" W a distance of eleven and 91/100 (11.91) feet, to a point;

Thence N 40° 01' 29" W a distance of twenty five and 99/100 (25.99) feet, to a point;

Thence N 85° 09' 53" W a distance of two hundred eighteen and 57/100 (218.57) feet to a point;

Thence N 25° 19' 23" W a distance of forty six and 26/100 (46.26) feet, to a point;

Thence N 85° 09' 53" W a distance of three hundred three and 86/100 (303.86) feet to a point;

Thence N 04° 50' 07" E a distance of five hundred seventy nine and 27/100 (579.27) feet to a point;

Thence N 08° 35' 18" E a distance of one hundred sixty nine and 41/100 (169.41) feet to a point;

Thence S 85° 09' 53" E a distance of two hundred ninety three and 58/100 (293.58) feet to a point;

Thence N 23° 52' 11" E a distance of twenty five and 54/100 (25.54) feet to a point;

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**Exhibit A – Property Description – continued**

Thence S 85° 09' 53" E a distance of two hundred forty six and 34/100 (246.34) feet to a point;

Thence S 34° 38' 54" E a distance of twenty five and 91/100 (25.91) feet to a point;

Thence N 62° 08' 55" E a distance of twenty and 01/100 (20.01) feet to a point;

Thence S 04° 50' 06" W a distance of two hundred eighty four and 57/100 (284.57) feet to a point;

Thence N 85° 09' 54" W a distance of sixteen and 81/100 (16.81) feet to a point;

Thence S 04° 49' 41" W a distance of five hundred thirty seven and 12/100 (537.12) feet, to the Point of Beginning.

Said parcel is shown on a plan entitled "Subdivision Plat- Waterville Commons, Route 104 a.k.a. Main Street, City of Waterville, Kennebec County, State of Maine", prepared by Survey & Geodetic Consultants, Inc. and dated March 8, 2001, revised through March 27, 2001, and recorded in the Kennebec County Registry of Deeds in Book E-2001, Pages 035 and 036.

Said parcel is also shown on a plan entitled "ALTA/ACSM Land Title Survey, Part of Tax Map 61 Lot 50 & 80, Home Depot Parcel, Route 104 a.k.a. Main Street, City of Waterville, Kennebec County, State of Maine" prepared for Cedarwood Development, Inc. by Survey & Geodetic Consultants, Inc., dated March 16, 2001.

**TOGETHER WITH** appurtenant easement rights for access and utilities as set forth in a Reciprocal Easement and Operation Agreement ("REA") by and between Waterville Commons Associates, L.L.C., WCCA Associations, Inc., HD Waterville Commons Associates, L.L.C. and Home Depot U.S.A., Inc., dated June 22, 2001, and recorded in the Kennebec County Registry of Deeds in Book 6526, Page 154.

RECEIVED KENNEBEC SS.

2003 SEP -5 AM 10:09

ATTEST: *[Signature]*  
REGISTER OF DEEDS

\*2407